

The opinion in support of the decision being entered today was **not** written for publication and is **not** binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte CARLO NERI and CARRADO CALLIEROTTI

MAILED

NOV 25 2005

U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Application No. 09/692,025

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on October 25, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith returned to the examiner. The matters requiring attention prior to docketing are identified below:

Upon procedural review of the Examiner's Answer mailed June 1, 2005, the Answer is deemed non-compliant with the new rules set forth in 37 CFR § 41.37 effective September 13, 2004. The application reveals that the following headings are missing from the Examiner's Answer in the order and with the context stated in the Rules:

- (5) Summary of Claimed Subject Matter;
- (6) Grounds of Rejection to be Reviewed on Appeal;
- (7) Claims Appendix;
- (8) Evidence Relied Upon;
- (9) Grounds of Rejection;
- (10) Response to Argument; and
- (11) Related Proceedings Appendix.

The Examiner's Answer filed on June 1, 2005, does not comply with the New Rules under 37 CFR § 41.39(1)(a). For more information on the Board's New Rules, please see the web page entitled "More Information on the rules of Practice Before the BPAI," final rule located at the following URL:

www.uspto.gov/web/offices/dcom/bpai/fr2004/moreinfo.html

Attention and correction is required pertaining to the headings in the Examiner's Answer.

Accordingly, it is

ORDERED that the application is returned to the examiner to:

- (1) to submit a new Examiner's Answer to include all the appropriate headings in the proper order as outlined in 37 CFR § 41.39(1)(a);

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- (2) have the revised copy of the Examiner's Answer scanned into the record; and
- (3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
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By:



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